MONTANA LEGISLATIVE HISTORY

Chapter 136 1969

Bill H 59 S _____ Original bill & history ___C

H. Committee on Affairs of Cities		S. Committee on Local Gov.	
Hearing Date(s) 1-13	✓C	Hearing Date(s) 2-13	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1969
HOUSE

AFFAIRS OF CITIES COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Fi Ac
H.B. 11 Mather Harrison et al	Act providing for an all-purpose annual mill levy for cities and towns	1/7	1/15		1/15	Do Pass as amended	Gov. 3/4
H.B. 59 Regt, Berdenouve, et al	Increase jurisdictional area of the city-county planning board	1/7	1/13		1/13	Do Pass	Sig Gov
H.B. 83 Regent, Stratton, et al	Method of extending boundaries of cities or towns	1/7	1/10		2/12	Tabled	Tabl
H.B. 127 Regent, Steele, et al	Property owners adjacent on either side within same block of area for a zoning regulation change is proposed may protest	1/9	1/17		1/17	Do Pass	Sign Gove
H.B. 130 Regent, Reedy, et al	City-County planning board adopt standards for approval of sub-division plats	1/9	1/17		1/16	Referred to another comm.	Kil
H.B. 132 Halverson et al	Providing a tax levy for recreational uses	1/13	1/22		1/22	Do Pass as amended	Gov. 3/4
H.B. 183 McCulloch, Christiansen	An act to provide for adopting fire prevention codes	1/13	1/20		1/20	Do Pass	Gov. 3/4

January 13, 1969

The Committee on Affairs of Cities convened at 10:30 A.M. in Room 436, with Chairman Stratton presiding. All members were present.

The Chairman explained to the witnesses the manner in which the hearing would be conducted and advised the bill to be considered was H.B. 59.

Mr. Fagg, sponsor of the bill, thanked the witnesses for coming and introduced his bill. He then asked Mr. Glenn Drake, Attorney for State Association of Planning Boards to introduce the witnesses for the bill.

Mr. Drake gave a brief summary explaining that the present City-County Planning Boards have a 4 1/2 mile jurisdictional area and said that prior to this a Planning Board Act, which was declared unconstitutional, had a 12 mile area. He said they were asking that the original 12 mile jurisdictional area be given again. In most cases he said, it would not be needed nor would it be used. The purpose is to allow the areas which need more than the 4 1/2 miles presently allowed, to create these planning areas. Farms and agricultural lands, timber lands and mining lands, by statute, would not be affected. He explained the great need for planning is in areas that are now experiencing growth.

Rep. Bardanouve, co-sponsor of the bill, related remarks made at a Council Recreation and Natural Beauty meeting. He asked for the serious consideration of the committee for the bill.

Names and statements of witnesses appearing for the bill are attached hereto and made part of these proceedings.

The Chairman then asked for opponents of the bill. There were none.

There followed a question and answer period. Committee memb had some questions to be clarified by Mr. Drake.

Witnesses were excused.

The committee was again called to order by the chairman to take action on H.B. 59.

Mr. Gunderson made a motion H.B. 59 "Do Pass."
Mr. Loble seconded the motion.
The vote was unanimous.

The next bill to be considered was H.B. 83 on which action o the committee had been postponed on January 10th. After much discussion Mr. Nugent proposed an amendment to H.B. 83.

He proposed the bill be amended (according to the attached copy of amendment).

Mr. Fagg then proposed another amendment to the bill. After much discussion by committee members Mr. Fagg withdrew his amendment.

☑ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 13 19...

Bill Clerk

MR. SPEAKER

We, your committee on AFFAIRS OF CITIES

having had under consideration House Bill No. 59

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 11-3830 R.C.M. 1947 TO INCREASE THE JURISDICTIONAL AREA OF THE CITY-COUNTY PLANNING BOARD FROM FOUR AND ONE-HALF (4 1/2) MILES TO TWELVE (12) MILES BEYOND THE LIMITS OF ANY CITY WITHIN THE JURISDICTIONAL AREA."

1-13-69

Received of Chief Clerk of the House

House Bills Nos. Orig - 83-59

Senate Bills Nos.

Darlene Scott

3 47768 FORM 17

DO PASS

Scott B. Stutzman

PROPONENTS H.B. 59

Art Hartenberger
Dept. of Planning and Economic Dev.

Dorothy Eck
League of Women Voters

Erhardt R. Hehn
Assoc. of City-County Planning Boards
Sidney, Montana

Earl L. Dahlstrom
Moore, Montana

Robert P. Roberts
Great Falls City-County Planning Board

Victor R. Kelly
County Planning Board and
W. Helena Valley Fire District

Mrs. Henry G. Bugbee
League of Women Votera

William H. Knapton
Columbia Falls City-County Planning Board

Don L. Kenney
Lewis & Clark Cty Planning Dept.
Helena, Montana

W.M. Bibler
Associated Press

O.R. Gossett
Billings City-County Planning Board

J. Norman Matthews
State Assessors' Assoc.
Helena, Montana

H.D. Korslund
Bozeman City-County Planning Board

Robert A. Ellis
Trustee W. Helena Valley Fire Dept.

Walter Anderson
City of Helena

Dan K. Mizner
League of Cities & Towns

Glen Drake
State Assoc. Planning Boards

Ervin A. Hanson
Whitefish City-County Planning Board

OPPONENTS - None

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL, CHAIRMAN OF THE BOARD

R. W. McFALL, PRESIDENT

DL
NL
LT

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of des

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SCOTT B STRATTON CHAIRMAN AFFAIRS OF CITIES COMMITTIES
CAPITAL BLDG HELENA MONT

AS A FARMER WHO IS INTERESTED IN ORDERLY PLANNING FOR RURAL AREAS AND TOWNS, I WOULD URGE PASSAGE OF HOUSE BILL #59. I THINK SUCH ACTION IS NECESSARY TO AVOID ANY FURTHER SHOT-GUNNING IN PRIMARILY AGRICULTURE AREAS. ORDERLY PLANNING IS STARTED IN OUR CITIES. I THINK WE COULD EXPAND THE PRESENT AREAS TO THE ADVANTAGES OF EVERYONE

EARL L DAHLSTROM MOORE MONT

Name Robt. P. Roberts Bill No. 59

Whom do you represent? Gt Falls City Co Planning Bd

Amend?..... Oppose?..... Support?..... ✓

Please leave prepared statement with secretary.

There are some cities, that because of strip development, or of incompatable uses need to go beyond the present 4 1/2 mile limit. Great Falls did not use 12 miles before* and does not present intend to do so. Since this is permissive legislation and some cities need it we support this legislation.

* See Exhibit Page 4.

Name ERHARDT & HEIN Bill No. 59

Whom do you represent? Associations of City-County Planning Boards

Amend?..... Oppose?..... Support?.....

Please leave prepared statement with secretary.

E. R. Delay

Use of the Land Resource in Montana

MASWCD, Sidney, Montana
October 31, 1969

Montana's Big Sky umbrella covers 93 million acres of land, but in this vast space a limited number of acres is high income producing. The high income acres are devoted to irrigated agriculture and intensive outdoor recreation activities. Of the 93 million acres only 14,400,000 acres were used as cropland in 1958. Of the total crop land only 1,600,000 acres were irrigated. These irrigated acres are of vital importance to Montana's 500 million dollar agricultural industry in both size and stability of income.

I am deeply concerned with the decline of irrigated acres in Montana. Paradoxically we are experiencing a decline in irrigated acres during the very time that we are talking about establishing firmer rights to the beneficial use of our water. In 1946 Montana harvested 1,627,750 acres of irrigated cropland. In 1965 we were down to 1,490,005 acres - a loss of 9 percent. Losses far exceeding the state percentage have been experienced in the fertile intensively farmed flood plains in which our major population centers are located. This fact is evident from the data presented in Table 1.

Table 1. Change in irrigated acres from 1946 through 1965 in those counties having a large urban population

County	City	Irrigated Acres			
		1946	1965	Change	%
Cascade	Great Falls	23,350	20,485	- 2,865	-12
Dawson	Glendive	14,290	9,301	- 4,989	-35
Yellowstone	Billings	91,600	56,767	-34,833	-38
Gallatin	Bozeman	82,460	65,640	-16,820	-20
Lewis & Clark	Helena	50,880	37,266	-13,614	-27
Missoula	Missoula	31,870	22,802	- 9,068	-28
Ravalli	County	70,220	50,748	-19472	-34

What has happened to this land? A detailed survey can serve to quantitize the land uses competing with agriculture for this prime land, but even a casual observer knows where it went. It has gone the same route as prime irrigated agricultural land in Washington, Oregon, Idaho, Nevada, California, Arizona, New Mexico and Colorado and the best farm lands in the East and Great Lakes Region. Planned highways, airports, school sites, residential and business growth and the unplanned growth have been purchased at the price of an irrevocable loss in a renewable natural resource-productive land. There may be no reasonable alternative to the use of prime agricultural land in the environs of Chicago, Kansas City and Sacramento, but there certainly is in Montana. Our cities being river based need not sprawl up and down the fertile flood plains but can expand to the adjacent foothills or benchlands.

The growth of Bozeman in the Gallatin Valley presents an example of the consequences resulting from unplanned land use. The incorporated city has expanded from one-half square mile in 1898 to six square miles in 1967. The urban sprawl and the suburban acreage dwellers have consumed another 14 square miles. Most of the 20 acres have been taken from adjoining class I & II agricultural land - some of the best in the world. Adjacent land of a lesser agricultural value does exist and if valley planning were a reality the future population growth of the valley could be accommodated without the loss of a prime industry and the amenities of gracious living. Most of the residential and industrial growth of Billings has been at the expense of the most productive irrigated land in Montana - the area between Billings & Laurel.

Is this developed irrigated land worth saving from an economic point of view? Of the 90 sqare miles of Class I & II land in the Gallatin Valley, 70 square miles remain in agricultural production. It is estimated that this land will produce an average gross income of $5,000,000 annually. Since farmers and ranchers must invest 80 percent of this gross income in production, I leave it to you to estimate the impact on the economy. I estimate that under current unrestricted land-use policies this land is diverting to other non-income producing uses at the rate of one square mile per year. There will be less than 10 square miles of prime land remaining in agricultural production in the year 2,000.

In Yellowstone County the cash value of crops grown on irrigated land closely parellels and follows the declining trend of irrigated acres as is shown by the data in Table 2. It is evident that in recent years farmers have been able to squeeze larger returns per acre from the remaining acres in Yellowstone County to in part counteract the downward trend in total cash crop value. If the 1947 acres had been available, a gross cash crop income of $8,000,000 could have been realized in 1965.

Table 2. Cash crop value and irrigated acres in Yellowstone County

Factor	Year				
	1947	1954	1958	1962	1965
Cash crop value	$6,472,600	$5,437,800	$5,062,300	$5,303,900	$4,826,100
Irrigated Acres	89,300	70,390	71,570	61,429	57,767
Value per acre	72.48	77.96	70.32	86.34	83.54

The irrigated croplands exclusive of wild hay, in Montana in the period 1961-65 produce 37 percent of the total crop value on 10 percent of the crop land. Important as the contribution of the irrigated acres are to the states total gross product potantial of possible equal importance is the constancy of production, so vital to the financial and social stability of the Great Plains. This stabilizing effect in Richland County is illustrated by the dryland and irrigated crop value per acre given in Table 3.

Table 3. The average value per acre of dryland and irrigated crops in Richla county for selected years.

Culture	Average value per acre						
	1946	1949	1953	1956	1959	1963	19
Irrigated	$61.53	$66.47	$56.66	$76.27	$65.32	$107.36	$7
Dryland	$19.04	$14.14	$32.64	$16.67	$14.89	$ 43.94	$2

It is obvious from this data that the income from dryland acres is more varia than from irrigated acres. This fact can be stated in terms of the percentag that the range is of the mean. On dryland the range in income per acre is 1 of the mean. Under irrigation the range is 50% of the mean.

The use of irrigated cropland for other uses represents a heavy loss in investment. The Bureau of Reclamation estimates an investment of $553 per acre the development of the Huntley Project. The recently developed East Bench at Dillon is estimated to have cost $5,666 per acre for each of 21,800 new acres developed. If the cost is spread over the additional 28,000 acres receiving supplemental irrigation the cost is $2,480 per acre.

How can the use of land for its best present and projected use be planne Many factors must be considered but basic to the establishment of use categor is a comprehensive soil survey based on criteria applicable to possible alter uses. Short of state-wide classification, intelligent land-use planning can encouraged by:

1. Public awareness and social pressure.
2. Long range realtor and developer interests.
3. Selective provision of roads and utilities.
4. Property valuation.
5. An attractive return on crop production.
6. City-county planning and zoning powers.

We can not forget soil conservation but we must broaden the scope of our ncern to land conservation.

E. R. Hehn, Head
Plant & Soil Sci
Department

Name Dorothy Eck Bill No. 59

Whom do you represent? League of Women Voters of Montana

Amend?..... Oppose?..... Support?...4...

Please leave prepared statement with secretary.

LEGISLATIVE AIMS
OF
THE LEAGUE OF WOMEN VOTERS OF MONTANA

HOUSE BILL 59

January 13, 1969

Statement to the House Committee on Affairs of Cities and Town
on House Bill 59 - Extending the jurisdictional limits of City-
County Planning Boards to 12 miles beyond the city limits.

In the course of a four year study, the League of Women Voters became increasingly aware of the urgency of providing for the long range planning of our urban areas. Only through such planning can we avoid the problems and expenses resulting from uncontrolled and chaotic growth of cities and their fring areas.

Montana's City-County Planning Boards have found the present jurisdictional limits prevent them from making effective plans for the entire urban area. While most planning boards would not need or use the 12 mile limits at this time, this extension would serve the needs of our larger cities today and would be available to other urban areas as their growth continues.

The League of Women Voters urges your support of this bill as a step forward in providing for the orderly growth of our communities.

The League encourages long-range, comprehensive solutions to community problems. We believe that the enactment of this measure will help build the foundation of understanding and experience needed for the acceptance of Local Government Study Commissions which could deal directly with area-wide problems.

1969

SENATE

COMMITTEE ON LOCAL GOVERNMENT

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	MINUTE INDEX Page
S. 224	1/23/69	1/28/69			✓				9-10
S. 232	1/23/69		✓						17-19
S. 250	1/23/69	1/28/69		✓					9-10
S. 278	1/23/69	1/28/69	✓						9-10
S. 279	1/23/69	1/28/69	✓						9-10
S. 283	1/23/69				✓				10-21
S. 293	1/23/69		✓						17-22
S. 301	1/23/69				✓				15-20
S. 304	1/23/69	1/28/69	✓						9-
S. 309	1/23/69		✓						15-20
(H) 127	1/23/69					✓			32-36
(H) 152	1/23/69						✓		41-42-54
(H) 123	1/24/69					✓			27-36
(H) 143	1/24/69					✓			44-47
(H) 154	1/24/69					✓			37
(H) 166	1/24/69						✓		41-51-56
(H) 201	1/25/69					✓			28-30
(H) 202	1/25/69					✓			30
(H) 59	1/27/69					✓			28
(H) 167	1/27/69					✓			37-39-56
(H) 132	1/27/69					✓	✓		46-47
(H) 62	1/27/69						✓		29
(H) 286	1/28/69						✓		42-43

The fourteenth meeting of the Committee was called to order by Senator Thiessen, Thurs., Feb. 13, on recess, in Room 410, Capitol Building. 14 TH MEETING 2/13/69

Roll Call. Quorum present. PRESENT

Discussion on H.B. 26 (REFUSE DISPOSAL DISTRICTS). Vern Sloulin of the State Department of Health explained the bill - briefly, this is enabling legislation to permit County Commissioners to establish District for collection of garbage. For the many unincorporated communities this is the only way they can handle the problem. Incorporated cities have a choice of being included. Permissive legislation which does not provide for method of disposal (only that it be disposed so as not to be a nuisance) nor does it forbid a private owner from disposing of his own. Areas already interested are Gallatin County communities and Cascade County communities. Federal funds are available for a two year demonstration of the plan and Cascade County has already made a study for entire county including rural residents. H.B. 26

No opponents.

It was moved by Senator Selstad, seconded by Senator Goodheart that H.B. 26 BE CONCURRED IN. Motion carried by unanimous approval.

Discussion of H.B. 201 (NOTICES, CREATION OF FIRE DISTRICTS). R. H. Robinson, Montana Railroad Association, explained this bill changes the manner of notification of creation of a fire district by the additional requirement of notice by mail to each freeholder. There is an erroneous thought that railroads alone are responsible for creation of these districts and this measure is aimed at correcting this impression. (As an aside, Mr. Robinson stated he noted that this session has several bills which provide for notice to be mailed to freeholders rather than notification by present method of publication. H.B. 201

Mr. Robinson was thanked and excused.

Consensus of members that action on H.B. 201 be deferred.

Discussion of amendments to H.B. 59. Chairman explained that House Committee of the Whole amendments were not attached to bill when it was considered and action recommended on Jan. 25. For this reason the bill had been rereferred to Committee. Glen Drake of the Ass'n of Planning Boards explained the amendments. Under present law County Commissioners have sole discretion in H.B. 59

extending jurisdictional area. Amendment requires Commissioners to hold public hearing and have good cause for setting the boundaries. The area has to have some relation with the growth of the city.

It was moved by Senator Northey, seconded by Senator Goodheart that H.B. 59 BE CONCURRED IN. Motion carried by roll call vote. Aye 6, No 2.

Discussion on H.B. 62 which was rereferred to Committee as it is a companion measure to H.B. 59. Senators Deschamps and Flynn proposed amendments for consideration of the Committee. Upon being questioned Glen Drake stated that the Planning Boards could live with the amendments. Committee members noted that under the proposed amendments it could be possible for one freeholder to stop the creation of a district and cause ineligibility for federal funds for a rural area. For this reason, on a voice vote the amendments did not pass unanimously. However, upon motion of Senator Nees, seconded by Senator Klindt, H.B. 62 was recommended BE CONCURRED IN AS AMENDED. Motion carried on roll call vote. Aye 8, No 0. H.B. 62

No other business having come before the meeting, it was, without objection, adjourned.

Senator Thiessen, Chairman

Doris Neu, Sec.

HOUSE NO

SENATE COMMITTEE ON

LOCAL GOVERNMENT

DATE 1/25/69

NAME	aye	nay	abs	abstain
BENNETT	✓			
BERTSCHE	✓			
GOODHEART	✓			
JAMES	✓			
KLINDT	✓			
NEES	✓			
NORTHEY	✓			
SELSTAD	✓			
STEPHENS	✓			
VAINIO				
THIESSEN	✓			

TOTAL 9 aye 1 nay abs 2 ~~abstain~~ recused

☐ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 25 19 69

MR. PRESIDENT:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 59

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 11-3830, R.C.M. 1947, TO INCREASE THE JURISDICTIONAL AREA OF THE CITY-COUNTY PLANNING BOARD FROM FOUR AND ONE-HALF (4 1/2) MILES TO TWELVE (12) MILES BEYOND THE LIMITS OF ANY CITY WITHIN THE JURISDICTIONAL AREA."

Respectfully report as follows: That HOUSE Bill No. 59

~~DO PASS~~ BE CONCURRED IN

Senate Committee Report form

SENATOR THIESSEN

like discretion to accept gifts, *grants,* bequests, or contributions of money or other property to be expended or used for any of the purposes of this act; provided, that no contract shall be entered into or other obligation incurred under the provisions of this act until moneys have been appropriated therefor by the legislature or are otherwise made available as herein provided. The commission shall also have jurisdiction, custody and control of all state parks, recreational areas, public camping grounds, historical sites, and monuments which are now under the control and management of the state, except wayside camps and other public conveniences acquired, improved and maintained by the state highway commission and contiguous to the state highway system. *The commission shall have the authority to designate lands under its control as state parks, state historical sites, state monuments, or by such other designation as it deems appropriate, or to de-designate any area or portion thereof as designated, and to name or change the name of any area as designated, and to lease such portions of designated lands as may be necessary for the proper administration of these lands in keeping with the basic purpose of this act.''*

Effective immediately.

Section 2. This act is effective upon its passage and approval.

Approved: February 27, 1969.

CHAPTER 136

An Act to Amend Section 11-3830, R.C.M. 1947, to Provide that Boundaries of a Jurisdictional Area, Outside the Cities can be Established Only Upon Petition of 5% of the Freeholders Within the Area, and After Good Cause is Shown Therefor at a Hearing, After Notice, on the Intent of the County Commissioners to Create Such an Area; and to Increase the Jurisdictional Area of the City-County Planning Board from Four and one-half (4½) Miles to Twelve (12) Miles Beyond the Limits of Any City Within the Jurisdictional Area; to Provide for Petition and Hearing for Extension of Limits Beyond Four and One-Half (4½) Miles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-3830, R.C.M. 1947, is amended to read as follows:

Amending clause.

"11-3830. **Jurisdictional area.** 1. The governing bodies represented on a city-county planning board shall by separate resolution establish the jurisdictional area of the planning board. The jurisdictional area shall include the area within the incorporated limits of the city and such contiguous unincorporated area outside the city as, in the judgment of the respective governing bodies, bears reasonable relation to the development of the *area involved.*

Jurisdictional area.

The boundaries of the jurisdictional area can be extended further than four and one-half miles from the limits of the cities only upon petition signed by five percent (5%) or more of the resident freeholders living in excess of four and one-half miles and not more than twelve miles from the limits of the cities and within the area desiring to be included within said jurisdictional limits, and upon presentation of said petition to the board of county commissioners. Thereafter, the board of county commissioners must, by resolution, set the proposed boundaries of said area and give notice of their intent to add said area to the jurisdictional limits theretofore created and of receipt of said petition, by publication of notice of time and place of hearing on said petition and resolution, said notice to be published in a newspaper published in the county not less than ten (10) nor more than twenty (20) days prior to the date of said hearing. Thereafter, the said boundaries of said area can only be set upon good cause being shown for the establishment of said extended jurisdictional area and the boundaries thereof, provided that such resolution shall not be adopted by the board of county commissioners, if disapproved in writing, by a majority of the freeholders of the territory proposed to be embraced. The jurisdictional area shall not extend more than *twelve (12)* miles beyond the limits of any city within the jurisdictional area.

2. The planning board, after approval of the jurisdictional area by the governing bodies, shall file in the office of the clerk and recorder a map showing the boundaries of the jurisdictional area. The boundaries may be revised from time to time by resolutions of the governing bodies. Such revised boundaries shall be shown upon a map which

shall be filed as provided in this section. The area included in such map shall constitute the area over which the planning board shall have advisory jurisdiction.

3. In case an unincorporated area is within the potential jurisdiction of more than one planning board, then the boundary between the conflicting areas shall be determined by agreement between the planning boards involved, with the approval of their respective governing bodies, and a map showing the boundary lines so agreed upon and approved shall be filed as provided in this section, and thereafter shall fix the limit of territorial jurisdiction of the respective planning boards."

Approved: February 27, 1969.

CHAPTER 137

An Act to Amend Section 31-147, R.C.M. 1947, to Delete a Discretionary Suspension Authorized for Offenses for Which Mandatory Revocation of Driver's License is Required Upon Conviction; Clarifying Meaning of Unlawful or Fraudulent Use of Driver's License; Changing "Supervisor" to "Chief".

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-147, R.C.M. 1947, is amended to read as follows:

Authority of board to suspend license or driving privilege or issue probationary license.

"31-147. **Authority of board to suspend license or driving privilege or issue probationary license.** (a) The board is hereby authorized to suspend the license or driving privilege of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license *as specified in section 31-153;*

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

7. Has falsified his date of birth on his application for a driver's license.

(b) Provided, however, the board may, in its discretion, and in lieu of such suspension of license or driving privilege, issue a probationary license to an operator or chauffeur, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (a) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction, or forfeiture of bail, not vacated, of any traffic violation during the period of such probation. The licensee shall surrender to the board all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses, upon demand, shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed twelve (12) months.

(c) Upon suspending the license of any person or upon placing such person on probation, as hereinbefore in this section authorized, the board shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the board and the licensee agree that such hearing may be held in some other county. Upon such hearing the *chief* or his duly authorized agent may administer oaths and may issue subpoenas for attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the board shall either rescind its order of suspension or probation, or, good